



General Assembly

Amendment

January Session, 2005

LCO No. 7249

HB0668107249HDO

Offered by:

REP. FLEISCHMANN, 18th Dist.

REP. LABRIOLA, 131st Dist.

To: Subst. House Bill No. 6681

File No. 21

Cal. No. 58

"AN ACT CONCERNING CHARTER RENEWAL IN CHARTER SCHOOLS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-66bb of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) On and after July 1, 1997, the State Board of Education may
6 grant, within available appropriations, charters for local and state
7 charter schools in accordance with this section.

8 (b) Any person, association, corporation, organization or other
9 entity, public or independent institution of higher education, local or
10 regional board of education or two or more boards of education
11 cooperatively, or regional educational service center may apply to the
12 Commissioner of Education, at such time and in such manner as the
13 commissioner prescribes, to establish a charter school, provided no

14 nonpublic elementary or secondary school may be established as a
15 charter school and no parent or group of parents providing home
16 instruction may establish a charter school for such instruction.

17 (c) The State Board of Education shall review, annually, all
18 applications and grant charters, provided for the period from July 1,
19 1997, to June 30, 1999, no more than twenty-four charters for charter
20 schools are granted and, on and after July 1, 1999, no state charter
21 school enrolls (1) (A) more than two hundred fifty students or (B) in
22 the case of a kindergarten to grade eight, inclusive, school, more than
23 three hundred students, or (2) twenty-five per cent of the enrollment of
24 the school district in which the state charter school is to be located,
25 whichever is less. The State Board of Education shall give preference to
26 applicants for charter schools that will serve students who reside in a
27 priority school district pursuant to section 10-266p or in a district in
28 which seventy-five per cent or more of the enrolled students are
29 members of racial or ethnic minorities and to applicants for state
30 charter schools that will be located at a work-site or that are
31 institutions of higher education. In determining whether to grant a
32 charter, the State Board of Education shall consider the effect of the
33 proposed charter school on the reduction of racial, ethnic and
34 economic isolation in the region in which it is to be located, the
35 regional distribution of charter schools in the state and the potential of
36 over concentration of charter schools within a school district or in
37 contiguous school districts.

38 (d) Applications pursuant to this section shall include a description
39 of: (1) The mission, purpose and any specialized focus of the proposed
40 charter school; (2) the interest in the community for the establishment
41 of the charter school; (3) the school governance and procedures for the
42 establishment of a governing council, as described in subsection (j) of
43 this section, that [(A) includes teachers and parents and guardians of
44 students enrolled in the school, and (B)] is responsible for the oversight
45 of charter school operations, provided no member or employee of the
46 governing council may have a personal or financial interest in the
47 assets, real or personal, of the school; (4) the financial plan for

48 operation of the school, provided no application fees or other fees for
49 attendance, except as provided in section 10-66ee, may be charged; (5)
50 the educational program, instructional methodology and services to be
51 offered to students; (6) the number and qualifications of teachers and
52 administrators to be employed in the school; (7) the organization of the
53 school in terms of the ages or grades to be taught and the total
54 estimated enrollment of the school; (8) the student admission criteria
55 and procedures to (A) ensure effective public information, (B) ensure
56 open access on a space available basis, (C) promote a diverse student
57 body, and (D) ensure that the school complies with the provisions of
58 section 10-15c and that it does not discriminate on the basis of
59 disability, athletic performance or proficiency in the English language,
60 provided the school may limit enrollment to a particular grade level or
61 specialized educational focus and, if there is not space available for all
62 students seeking enrollment, the school may give preference to siblings
63 but shall otherwise determine enrollment by a lottery; (9) a means to
64 assess student performance that includes participation in state-wide
65 mastery examinations pursuant to chapter 163c; (10) procedures for
66 teacher evaluation and professional development for teachers and
67 administrators; (11) the provision of school facilities, pupil
68 transportation and student health and welfare services; (12)
69 procedures to encourage involvement by parents and guardians of
70 enrolled students in student learning, school activities and school
71 decision-making; (13) document efforts to increase the racial and
72 ethnic diversity of staff; and (14) a five-year plan to sustain the
73 maintenance and operation of the school. Subject to the provisions of
74 subsection (b) of section 10-66dd, an application may include, or a
75 charter school may file, requests to waive provisions of the general
76 statutes and regulations not required by sections 10-66aa to 10-66ff,
77 inclusive, and which are within the jurisdiction of the State Board of
78 Education.

79 (e) An application for the establishment of a local charter school
80 shall be submitted to the local or regional board of education of the
81 school district in which the local charter school is to be located for

82 approval pursuant to this subsection. The local or regional board of
83 education shall: (1) Review the application; (2) hold a public hearing in
84 the school district on such application; (3) survey teachers and parents
85 in the school district to determine if there is sufficient interest in the
86 establishment and operation of the local charter school; and (4) vote on
87 a complete application not later than sixty days after the date of receipt
88 of such application. Such board of education may approve the
89 application by a majority vote of the members of the board present and
90 voting at a regular or special meeting of the board called for such
91 purpose. If the application is approved, the board shall forward the
92 application to the State Board of Education. The State Board of
93 Education shall vote on the application not later than seventy-five days
94 after the date of receipt of such application. Subject to the provisions of
95 subsection (c) of this section, the State Board of Education may
96 approve the application and grant the charter for the local charter
97 school or reject such application by a majority vote of the members of
98 the state board present and voting at a regular or special meeting of
99 the state board called for such purpose. The State Board of Education
100 may condition the opening of such school on the school's meeting
101 certain conditions determined by the Commissioner of Education to be
102 necessary and may authorize the commissioner to release the charter
103 when the commissioner determines such conditions are met. The state
104 board may grant the initial charter for the local charter school for a
105 period of time of up to five years and may allow the applicant to delay
106 its opening for a period of up to one school year in order for the
107 applicant to fully prepare to provide appropriate instructional services.

108 (f) An application for the establishment of a state charter school
109 shall be (1) submitted to the State Board of Education for approval in
110 accordance with the provisions of this subsection, and (2) filed with the
111 local or regional board of education in the school district in which the
112 charter school is to be located. The state board shall: (A) Review such
113 application; (B) hold a public hearing on such application in the school
114 district in which such state charter school is to be located; (C) solicit
115 and review comments on the application from the local or regional

116 board of education for the school district in which such charter school
117 is to be located and from the local or regional boards of education for
118 school districts that are contiguous to the district in which such school
119 is to be located; and (D) vote on a complete application not later than
120 seventy-five days after the date of receipt of such application. The State
121 Board of Education may approve an application and grant the charter
122 for the state charter school by a majority vote of the members of the
123 state board present and voting at a regular or special meeting of the
124 state board called for such purpose. The State Board of Education may
125 condition the opening of such school on the school's meeting certain
126 conditions determined by the Commissioner of Education to be
127 necessary and may authorize the commissioner to release the charter
128 when the commissioner determines such conditions are met. Charters
129 shall be granted initially for a period of time of up to five years and
130 may allow the applicant to delay its opening for a period of up to one
131 school year in order for the applicant to fully prepare to provide
132 appropriate instructional services.

133 (g) Charters may be renewed by the State Board of Education for a
134 period of time up to ten years, upon application, in accordance with
135 the provisions of this section for the granting of such charters and an
136 evaluation by the board of the progress of the students enrolled in the
137 charter school, the conduct of the governing council and its
138 management of school funds, and the school's compliance with
139 applicable laws and regulations. Upon application for such renewal,
140 the State Board of Education may commission an independent
141 appraisal of the performance of the charter school that includes, but is
142 not limited to, an evaluation of the school's compliance with the
143 provisions of this section. The State Board of Education shall consider
144 the results of any such appraisal in determining whether to renew such
145 charter. The State Board of Education may deny an application for the
146 renewal of a charter if (1) student progress has not been sufficiently
147 demonstrated, as determined by the commissioner, (2) the governing
148 council has not been sufficiently responsible for the operation of the
149 school or has misused or spent public funds in a manner that is

150 detrimental to the educational interests of the students attending the
151 charter school, or (3) the school has not been in compliance with
152 applicable laws and regulations. If the State Board of Education does
153 not renew a charter, it shall notify the governing council of the charter
154 school of the reasons for such nonrenewal.

155 (h) The Commissioner of Education may at any time place a charter
156 school on probation if (1) the school has failed to (A) adequately
157 demonstrate student progress, as determined by the commissioner, (B)
158 comply with the terms of its charter or with applicable laws and
159 regulations, (C) achieve measurable progress in reducing racial, ethnic
160 and economic isolation, or (D) maintain its nonsectarian status, or (2)
161 the governing council has demonstrated an inability to provide
162 effective leadership to oversee the operation of the charter school or
163 has not ensured that public funds are expended prudently or in a
164 manner required by law. If a charter school is placed on probation, the
165 commissioner shall provide written notice to the charter school of the
166 reasons for such placement, not later than five days after the
167 placement, and shall require the charter school to file with the
168 Department of Education a corrective action plan acceptable to the
169 commissioner not later than thirty-five days from the date of such
170 placement. The charter school shall implement a corrective action plan
171 accepted by the commissioner not later than thirty days after the date
172 of such acceptance. The commissioner may impose any additional
173 terms of probation on the school that the commissioner deems
174 necessary to protect the educational or financial interests of the state.
175 The charter school shall comply with any such additional terms not
176 later than thirty days after the date of their imposition. The
177 commissioner shall determine the length of time of the probationary
178 period, which may be up to one year, provided the commissioner may
179 extend such period, for up to one additional year, if the commissioner
180 deems it necessary. In the event that the charter school does not file or
181 implement the corrective action plan within the required time period
182 or does not comply with any additional terms within the required time
183 period, the Commissioner of Education may withhold grant funds

184 from the school until the plan is fully implemented or the school
185 complies with the terms of probation, provided the commissioner may
186 extend the time period for such implementation and compliance for
187 good cause shown. Whenever a charter school is placed on probation,
188 the commissioner shall notify the parents or guardians of students
189 attending the school of the probationary status of the school and the
190 reasons for such status. During the term of probation, the
191 commissioner may require the school to file interim reports concerning
192 any matter the commissioner deems relevant to the probationary
193 status of the school, including financial reports or statements. No
194 charter school on probation may increase its student enrollment or
195 engage in the recruitment of new students without the consent of the
196 commissioner.

197 (i) The State Board of Education may revoke a charter if a charter
198 school has failed to: (1) Comply with the terms of probation, including
199 the failure to file or implement a corrective action plan; (2)
200 demonstrate satisfactory student progress, as determined by the
201 commissioner; (3) comply with the terms of its charter or applicable
202 laws and regulations; or (4) manage its public funds in a prudent or
203 legal manner. Unless an emergency exists, prior to revoking a charter,
204 the State Board of Education shall provide the governing council of the
205 charter school with a written notice of the reasons for the revocation,
206 including the identification of specific incidents of noncompliance with
207 the law, regulation or charter or other matters warranting revocation
208 of the charter. It shall also provide the governing council with the
209 opportunity to demonstrate compliance with all requirements for the
210 retention of its charter by providing the State Board of Education or a
211 subcommittee of the board, as determined by the State Board of
212 Education, with a written or oral presentation. Such presentation shall
213 include an opportunity for the governing council to present
214 documentary and testimonial evidence to refute the facts cited by the
215 State Board of Education for the proposed revocation or in justification
216 of its activities. Such opportunity shall not constitute a contested case
217 within the meaning of chapter 54. The State Board of Education shall

218 determine, not later than thirty days after the date of an oral
 219 presentation or receipt of a written presentation, whether and when
 220 the charter shall be revoked and notify the governing council of the
 221 decision and the reasons therefor. A decision to revoke a charter shall
 222 not constitute a final decision for purposes of chapter 54. In the event
 223 an emergency exists in which the commissioner finds that there is
 224 imminent harm to the students attending a charter school, the State
 225 Board of Education may immediately revoke the charter of the school,
 226 provided the notice concerning the reasons for the revocation is sent to
 227 the governing council not later than ten days after the date of
 228 revocation and the governing council is provided an opportunity to
 229 make a presentation to the board not later than twenty days from the
 230 date of such notice.

231 (j) The governing council of a charter school shall include teachers
 232 and parents and guardians of students enrolled in the school. In the
 233 case of a state charter school, the superintendent of schools of the local
 234 school district or the superintendent's designee, and the chief elected
 235 official or the official's designee, of the municipality in which the state
 236 charter school is located shall be ex-officio nonvoting members of the
 237 state charter school's governing board. If a state charter school is
 238 located in a municipality that is part of a regional school district that
 239 includes all elementary and secondary school grades, the
 240 superintendent of schools of the regional school district, or the
 241 superintendent's designee, and the chairperson of the regional board
 242 of education, or the chairperson's designee, shall be ex-officio
 243 nonvoting members of the state charter school's governing board."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	10-66bb
-----------	---------------------	---------